

The Honorable Tiffany Cartwright

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

MOZZY CLARK,

Plaintiff,

v.

STATE OF WASHINGTON,  
DEPARTMENT OF  
CORRECTIONS; LT. DENNIS SIMONS;  
SGT. REGINA WILLIAMS A/K/A  
REGINA ESPERANZA AVELLAR; HEIDI  
WHITTEMORE; OFFICER THERESA  
AYOTTE; OFFICER MICHAEL BROOKS;  
and DOES 1-10.

Defendants.

No.: 3:24-cv-06058

**STIPULATED DISMISSAL WITH  
PREJUDICE AND WITHOUT FEES  
OR COSTS AS TO DEFENDANT  
MICHAEL BROOKS *ONLY***

COME NOW the parties, and each of them, and hereby stipulate and agree pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) that all claims against the Defendant, MICHAEL BROOKS, be dismissed with prejudice, and without fees or costs to either party.

DATED this 27th day of February, 2025.

<p>NICHOLAS W. BROWN Attorney General</p> <p><u>/s/ Chad E. Arceneaux</u> CHAD EVERETT ARCENEAUX WSBA No. 40442; OID No. 91105 Assistant Attorney General 1250 Pacific Avenue, Suite 105 P.O. Box 2317 Tacoma, WA 98402-2317 Tel: (253) 207-6083 Chad.Arceneaux@atg.wa.gov Attorneys for Defendants Theresa Ayotte and Michael Brooks</p>	<p>ROBERT A. BOUVATTE, PLLC</p> <p><u>/s/ Robert A. Bouvatte, Jr.</u> Robert A. Bouvatte, Jr., WSBA #50220 P.O. Box 14185 Tumwater, WA 98511 PH: (564) 999-4005 bob@rbouvattepllc.com rbouvattelaw@gmail.com Attorneys for Plaintiff</p>
<p>SIMONS SWEENEY FREIMUND SMITH TARDIF PLLC</p> <p><u>/s/ John R. Nicholson (approved via email)</u> JOHN R. NICHOLSON, WSBA No. 30499 711 Capitol Way S., Suite 602 Olympia, WA 98501 (360) 534-9960 John@ssslawgroup.com Special Assistant Attorney General Attorney for Defendants Washington State Department of Corrections, Simmons, and Williams</p>	<p>THE PIVTORAK LAW FIRM</p> <p><u>/s/ David Pivtorak</u> David Pivtorak, Cal. Bar, #255943 611 Wilshire Boulevard Suite 911 Los Angeles, CA 90017 PH: (213) 291-9130 david@piv4law.com Attorney for Plaintiff</p>